

REMARKS

Claims 1-34 are pending in the present application.

In the office action mailed January 17, 2006 (the "Office Action"), the Examiner rejected claims 1, 2, 5, 6, 8, 9, 13, 14, 17, 18, 21, 22, 24, 26, 28, 29, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,477,614 to Leddige *et al.* (the "Leddige patent") in view of U.S. Patent Publication No. 2004/0216018 to Cheung (the "Cheung reference"). The Examiner further rejected claims 7, 12, 23, and 34 under 35 U.S.C. 103(a) as being unpatentable over the Leddige patent in view of the Cheung patent, and further in view of U.S. Patent No. 6,782,465 to Schmidt (the "Schmidt patent"). Claims 4, 11, 20, and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Leddige and Cheung patents, and further in view of Jones, *Throughput Expansion with FET Based Crossbar Switching* (the "Jones reference"). Finally, claims 15, 16, 25, and 27, have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Leddige and Cheung patents, and further in view of U.S. Patent Publication No. 2004/0243769 to Frame *et al.* (the "Frame reference").

Information disclosure statements were submitted on July 22, 2003, December 15, 2003, February 25, 2004, April 26, 2004, June 1, 2004, August 13, 2004 and January 21, 2005. Applicant requests the Examiner consider the references cited in each Form PTO-1449 of the Information Disclosure Statements and provide the attorney of record with a signed and initialed copy of each Form PTO-1449.

The Cheung reference is not prior art under 35 U.S.C. 102(e) because the inventions of at least claims 1, 8, 13, and 24 were conceived prior to the effective prior art date of the Cheung reference and were diligently reduced to practice thereafter.

The effective prior art date of the Cheung reference is April 28, 2003, its U.S. filing date. A declaration under 37 C.F.R. 1.131 by Joseph M. Jeddelloh, the named inventor of the present application, has been provided to establish conception of the claimed invention prior to the April 28, 2003 filing date of the Cheung reference, and due diligence in constructively reducing the invention to practice by filing the present application on July 22, 2003.

Evidence of the conception of the claimed inventions is demonstrated by an invention disclosure document that Mr. Jeddelloh submitted to Micron Technology's Patent Review Committee prior to July 22, 2003, for review and consideration for a patent application.

The invention disclosure document includes a brief description of the invention, a description of the advantages such an invention has over the previous technology, and a summary and diagrams of embodiments of the invention. As shown in the diagrams of the invention disclosure document, a memory module includes a plurality of memory devices and a memory hub. The memory hub includes a link interface, memory device interface, a switch, and a DMA controller. Functionality and operation consistent with language of the claims is also described in the invention disclosure document. For example, the DMA controller is described in the invention disclosure document as being able to move blocks of data from one location to any other location in memory. This is representative of a limitation found in claim 1, "the DMA engine generating memory requests for access to at least one of the memory devices to perform DMA operations." Limitations for the other claims can be found in the invention disclosure documents as well.

As further discussed in the 131 Declaration, the invention was constructively reduced to practice by filing the present application on July 22, 2003. Due diligence is demonstrated Mr. Jeddelloh's conduct. From a time prior to April 28, 2003 to the July 22, 2003 filing date of the present application, Mr. Jeddelloh worked with the undersigned to prepare and finalize the patent application for filing. During this time, Mr. Jeddelloh reviewed drafts of the patent application provided to him, and provided comments and edits in the regular course of his work to finalize the patent application.

By establishing conception of the claimed invention prior to April 28, 2003, and reduction to practice thereafter linked by due diligence, the Cheung patent cannot be used as prior art against at least claims 1, 8, 13, and 24. As a result, the rejection of these claims under 35 U.S.C. 103(a) as being unpatentable over the Leddige patent in view of the Cheung reference cannot be maintained, and consequently, must be withdrawn.

As previously mentioned, claims 2-7, which depend from claim 1, claims 9-12, which depend from claim 8, claims 14-23, which depend from claim 13, and claims 25-34, which depend from claim 24, were rejected under 35 U.S.C. 103(a) as being unpatentable over the Leddige patent in view of the Cheung reference, and further in view of either the Schmidt patent, the Jones reference, or the Frame reference. Based on their dependency from a respective allowable base claim, claims 2-7, 9-12, 14-23, and 25-34 are patentable over the combined

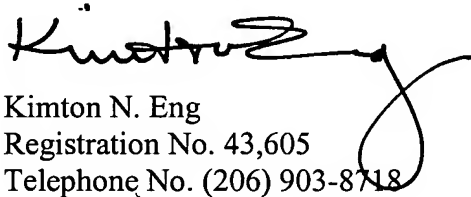
teachings of the cited references. Consequently, the rejection of these claims under 35 U.S.C. 103(a) should be withdrawn.

Applicant has not addressed the merits of the Examiner's rejection of the claims, whether the Examiner's characterizations of the cited references are accurate, or whether the cited references are relevant to the subject matter of the pending claims. Therefore, the presumption that Applicant has tacitly acknowledged the merit of the rejections or that the references cited by the Examiner are relevant to the patentability of the present invention should not be made.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Kimton N. Eng
Registration No. 43,605
Telephone No. (206) 903-8718

KNE:ajs

Enclosures:

Postcard
Check
Fee Transmittal Sheet (+ copy)
Declaration under 37 C.F.R. § 1.131

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)